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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.146 OF 2016

Gajanan @ Babasaheb s/o Ananda
Pawar & ors.

..PETITIONERS

VERSUS

The State of Maharashtra & ors.

..RESPONDENTS

Mr A.M. Nagarkar, Advocate for petitioners;
Mr A.R. Kale, Addl. Public Prosecutor for respondent no.1;
Mr P.V. Ambade, Advocate for respondents no.2 & 3

CORAM : N.W. SAMBRE, J.

DATE : 29th April, 2016

ORAL ORDER :

Learned Counsel appearing on behalf of respondents no.2 & 3 has tendered a copy of complaint preferred under section 12 of the Protection of Women from Domestic Violence Act, before the Judicial Magistrate First Class, Bhokardan.

2. Upon instructions from respondents no.2 & 3, learned Counsel makes a statement that respondents no.2 and 3 shall confine the said proceedings under section 12 of the Act only as against respondent no.1 Gajanan and respondent no.2 Ananda, to the said application. In view thereof, said application under section 12 of the Protection of Women from Domestic Violence Act stands disposed of as not pressed as against respondents no.3 to 5 to the said application.

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3. Copy of this order be forwarded to the learned Judicial Magistrate First Class, Bhokardan forthwith for taking appropriate action.

4. It is made clear that the above referred order shall not come in the way of wife Smt. Jyoti and daughter Kum. Nupur, while prosecuting the other proceedings on merits.

5. In view of above, learned Counsel appearing on behalf of the petitioners does not press the present petition for transfer and as such stands disposed of as infructuous.

6. It is clarified that this Court has not gone into merits of nature of the pleadings as are made against respondents no.1 & 2 – Gajanan and Ananda in the proceedings under section 12 of the Protection of Women from Domestic Violence Act and the applicants to the said proceedings will be at liberty to take such steps as are available in law in the said matter.

(N.W. SAMBRE, J.)

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